THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5990 of 2006

Dated: 20-09-2006

Between:

M/s Pravina Techno Industries, Rajahmundry.

..... PETITIONER

AND

The Andhra Pradesh Eastern Power Distribution Company Limtied, Rajahmundry, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.5990 of 2006

ORDER:

The petitioner is a proprietary concern engaged in the manufacture of machinery spares and fabrication works. The petitioner-unit is availing power supply with contracted loan of 10.540 H.P. with service connection No.17285. As the existing electricity load is not sufficient, it made an application on 02-04-2001 for additional load. By letter dated 05-04-2002, respondent No.2 informed the petitioner-unit to pay/deposit a sum of Rs.27,670/- towards S.L. charges and Rs.28,500/- towards developmental changes by demand draft. The petitioner-unit paid said amount by way of two bankers cheques dated 23-08-2003. Even thereafter the transformer was not erected. By letter dated 24-04-2004, the petitioner-unit was informed that the work could not be completed in view of the telegram dated 31-03-2004 sent by Smt. V. Venkatalakshmi through her lawyer. The petitioner-unit submits that said Venkatalakshmi filed a suit, being O.S.No.729 of 2004, on the file of the Court of IV Junior Civil Judge, Rajahmundry, claiming the land where new transformer is to be erected as her land and obtained orders of *status quo.* It is alleged that the said order of *status quo* was not extended by the civil Court for nonpayment of process fee. The petitioner-unit also alleges that the civil Court never prohibited the respondents from erecting the transformer and seeks a direction to the respondents to erect the transformer or in the alternative to refund the amount paid by it with interest at 24% p.a.,.

After hearing the learned counsel for the petitioner and the learned standing counsel for the respondents, this Court is not able to appreciate the contention of the petitioner-unit that the civil Court did not prohibit the respondents from erecting the transformer to serve the petitioner-unit. In the absence of copy of the order passed by the civil Court, this Court cannot came to such conclusion. Whether or not the *status quo* order still operates or it ceases to operate by reason of the alleged nonpayment of process fee is also a matter of verification. Therefore, instead of keeping the matter pending, this writ petition is disposed of directing respondent No.2 to file appropriate application before the Court of IV Additional Junior Civil Judge, Rajahmundry, within a period of one week from today, and obtain appropriate orders to complete the work of providing additional load to the petitioner-unit as per the letter dated

05-04-2002. As and when such application is filed the learned Judge shall dispose the same expeditiously. In case the respondents are not

able to obtain appropriate orders vacating the *status quo*, it shall be open to the petitioner-unit to seek refund of the amount paid or adjustment in future bills. No costs.

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(**V.V.S.RAO, J**)

20th September, 2006

Note:

Office to dispatch a copy of this order in one week.

B/o

ghn